

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VICTORIA WHITWORTH,)	
)	
Plaintiff,)	
)	No.
vs.)	
)	Franklin County Associate Circuit Court
MONARCH RECOVERY MANAGEMENT,)	Cause No: 12AB-AC01015
INC.,)	
)	DEFENDANT DEMANDS TRIAL
Defendant.)	BY JURY

NOTICE OF REMOVAL

COMES NOW defendant Monarch Recovery Management, Inc., by and through its undersigned counsel, and files this Notice of Removal of the above-captioned action to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to Title 28, Chapter 89, U.S. Code, and for grounds hereof respectfully states as follows:

1. Plaintiff Victoria Whitworth originally commenced this action by filing a Petition for Damages against Monarch Recovery Management, Inc. in the Twentieth Judicial Circuit Court, Franklin County, Missouri, captioned as *Victoria Whitworth v. Monarch Recovery Management, Inc.*, Case No. 12AB-AC01015. No further proceedings before the state court have occurred.
2. In the Petition for Damages, plaintiff alleges a statutory cause of action against defendant Monarch Recovery Management, Inc. Specifically, plaintiff alleges that defendant violated 47 U.S.C. § 227(b)(1)(A)(iii).
3. Defendant Monarch Recovery Management, Inc. was served with plaintiff's Summons and Petition for Damages on June 20, 2012.

4. Pursuant to 28 U.S.C. §§ 1441 and 1446, Monarch Recovery Management, Inc. removes the state court action to this Court, which is the federal judicial district in which the state court action is pending.
5. This Court has federal question jurisdiction over plaintiff's claim pursuant to 28 U.S.C. §§ 1331 and 1441(b) in that the claims are "founded on a claim or right arising under the ... laws of the United States"
6. This Notice of Removal is timely, having been filed within 30 days of the date on which Monarch Recovery Management, Inc. was served with plaintiff's Petition for Damages. *See 28 U.S.C. § 1446.*
7. Written notice of this Notice of Removal is being immediately provided to the Twentieth Judicial Circuit Court in Franklin County, Missouri.
8. Written notice of this Notice of Removal is being caused to be served on counsel for the plaintiff.
9. Defendant Monarch Recovery Management, Inc. files herewith a copy of all process, pleadings and orders served upon the defendant in said action. *(See Exhibit A).*

WHEREFORE, defendant Monarch Recovery Management, Inc. prays this Honorable Court to accept jurisdiction of said action.

/s/Michael S. Hamlin

Michael S. Hamlin #52972MO
Christopher E. Meyer #59864MO
PITZER SNODGRASS, P.C.
Attorneys for Defendant
100 South Fourth Street, Suite 400
St. Louis, Missouri 63102-1821
(314) 421-5545
(314) 421-3144 (Fax)

A copy of the foregoing mailed this 10th day of July, 2012 to Mr. Steven R. White, Attorney for Plaintiff, 316 East Locust Street, Union, Missouri 63084, via certified mail.

/s/Michael S. Hamlin